

MINUTES
POLICE OVERSIGHT COMMITTEE
Thursday, November 18, 2010
at Frederick Harris School Cafeteria

Committee members in attendance: Councilor E. Henry Twiggs, Councilor Tom Ashe, Councilor John Lysak, Dave Baker, Nicholas Camerota, Dr. Arlene Rodriquez, David Jarnes, Archbishop Baymon

other City Councilors in attendance: Tim Allen, Mike Fenton, James J. Ferrera, III

City officials in attendance: Commissioner Fitchet, City Solicitor Edward Pikula

citizens in attendance: Joe Gentile(President of Patrolman's Union), John Wojcik, Mrs. Wojcik, Bob McCollum, Frank Ryan, Brenda Douglas, Jesse Lederman, Edgar Alejandro(member of current Oversight Committee), Terry Aberdale(member of current Oversight Committee

commencing at 6:00 PM

The meeting was transcribed by a court stenographer, Helga Ragle, of PHILBIN & ASSOCIATES, INC., 81 State Street, Certified Shorthand Reporters, Springfield, MA 01103, (413)733-4078.

A copy of the transcription is on record with the office of the City Clerk.

Wayman Lee, City Clerk

1 COMMONWEALTH OF MASSACHUSETTS
2 CITY OF SPRINGFIELD
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6 Public hearing held before the Special
7 Committee on Police Oversight, held at
8 the Frederick Harris Elementary School,
9 58 Hartford Terrace, Springfield, Massachusetts
10 on Thursday, November 18, 2010, commencing
11 at 6:00 p.m.

12
13 COMMITTEE MEMBERS:
14 E. Henry Twiggs, Chairman
15 Prof. Nicholas Camerota, Member
16 Dean Arlene Rodriguez, Member
17 Archbishop Timothy Paul
18 David Jarnes
19 Donald Baker

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21
22 Helga Ragle
23 Shorthand Reporter

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Hearing1

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1 (The meeting was called to order at 6:05 p.m.)
2

3 MR. TWIGGS: Good evening. My name is
4 Henry Twiggs and I would like to first extend a
5 sincere welcome to all of you for coming out here this
6 evening.

7 You perhaps know this is the first of a

Hearing1

8 series of public hearings that we intend to have
9 across the city to deal with ordinances that have
10 been submitted to the City Council over the past year
11 to deal with police officer oversight and forming of
12 some kind of order or commission which would work to
13 insure some kind of oversight with respect to the
14 Police Department.

15 we have two committees of the City Council
16 which is the Committee on Civil Rights and Racial
17 Relations of which I am the chair.

18 And we also have a Committee on Public Health
19 and Public Safety of which Councillor Tom Ashe is the
20 chair.

21 And let me just take a minute to introduce the
22 members of this group.

23 Before I introduce the members, let me just

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5

1 say the joint committee of the City Council was,
2 have coming together to form a joint committee to
3 look at the three ordinances that have been presented
4 to us.

5 And after meeting I recommended that we add
6 some civilians to this body so that we can create a
7 gender balance, create, insure that minorities are a
8 part of it, insure that police are represented and
9 other groups are -- the clergy is represented and
10 other groups from the city to insure that whatever
11 comes out of this committee can be received in a

Hearing1

12 positive way from the stakeholders within the city.

13 It is my general feeling that we have an
14 opportunity to fix something that has been --
15 citizens have been crying about for a number of
16 years, and so along with the joint committee we have
17 five very distinguished people.

18 City solicitor Edward Pikula, would you please
19 come forward. We want you up here.

20 And so first of all let me introduce members
21 of the committee.

22 First of all Councillor John Lysak, who is a
23 member of the Civil Rights and Race Relations. And

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6

1 we have Chairman Tom Ashe of the Public Health and
2 Safety, and we have Councillor Mike Fenton who is a
3 member of the Public Health and Safety Committee.

4 Two of our members are absent and so I won't
5 introduce them.

6 Other members who are, members of the public
7 who are a part of the joint committee, we have Don
8 Baker, who is a former Springfield police officer and
9 now operates DHB Floor Sanding in Indian Orchard.
10 Raise your hand, Don, please.

11 We have Professor Nicholas Camerota, a key
12 strategist in the campaign to return ward
13 representation to Springfield. And he is also
14 professor of philosophy and political science at
15 Springfield Technical Community College, vice-president

16 of the STCC professional association.

17 We have David Jarnes, who is the
18 vice-president of Mass. Senior Action, currently acting
19 as its president, member of the Pioneer Valley Labor
20 Council.

21 would you raise your hand please.

22 We have Archbishop Timothy Paul, president of
23 the Council of Churches of Greater Springfield and

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7

1 pastor of the Basilica of the Holy Apostles in
2 Springfield.

3 We have Doctor Arlene Rodriguez, dean of
4 Springfield Technical Community College's School of
5 Arts, Humanities and Social Sciences, employed by
6 STCC for more than sixteen years.

7 She is also a former journalist and
8 professor, she is bilingual and she is also a former
9 professor.

10 Before -- in addition to which I'd like to
11 introduce Ms. Helga Ragle, who is our stenographer and
12 she will be taking down word for word the information
13 that is presented here and at some point this joint
14 committee will get together and review your testimony
15 to see how we can add that to what we already have or
16 what we have already been working at.

17 The fundamental question that we will
18 attempt to receive information on is asking the
19 citizens what kind of oversight board or commission

20 the city should have and why. Hence the need for
21 public input.

22 we want to seek public input to insure that
23 citizens with grievances have a place to turn to and

8

1 thereby to discourage police misconduct and to find a
2 mechanism through which the community could voice its
3 concerns and suggest recommendations.

4 Our effort is to listen carefully and seek
5 the truth, find the truth, so that we can improve
6 community police relations.

7 Let me take a moment to introduce City
8 Councillor Tim Allen, who is the councillor here from
9 this district, and I would ask him if he would come
10 forward and give us a welcome.

11 We know we are in your district, so we want
12 you to welcome us to your district.

13 CITY COUNCILLOR ALLEN: Welcome. I thank
14 everybody on the joint committees for joining us and
15 the people who have, the civilians who are on this
16 overall committee.

17 This is an important committee for the city.
18 I am a councillor from ward seven. I want to give you
19 an official welcome. I see a lot of familiar faces in
20 the audience.

21 Thank you for coming and participating.

22 I am also speaking on behalf of Keith Wright,
23 councillor from ward six who is missing this meeting

1 tonight.

2 There are four of these meetings, and this
3 meeting tonight is the meeting held in ward seven for
4 wards six and seven.

5 Obviously people can go to any meeting they
6 want, but Keith, if you are not familiar, he recently
7 had a newborn and he was premature and he has been in
8 the hospital for three months.

9 He just came home so they are providing
10 around the clock care for him. He is five pounds now
11 and he asked me on his behalf to welcome you and thank
12 you for coming, but to extend his welcome and the fact
13 that he would not be able to participate in this
14 night's meeting.

15 So simply I appreciate everybody to be
16 willing to come out and participate. It is an
17 important issue and thank you again.

18 MR. TWIGGS: Thank you.

19 Let me also introduce City Solicitor Pikula,
20 who has been providing us with technical assistance
21 and legal counsel, a very able person, and he pretty
22 much was responsible for giving us a stenographer for
23 tonight and we appreciate you for doing that.

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Hearing1

1 I'd be remiss if I didn't mention the City
2 Council's right-hand person, Bob Arieti, and I want to
3 thank Bob for setting up this meeting and getting us
4 all set here and getting us comfortable here.

5 So we are ready for citizens to come forward
6 and speak to this august committee.

7 Let me just tell you what the rules are:

8 As you come to the podium we would ask that
9 you would write your name and address. There is a
10 sheet of paper at the podium.

11 We are going to give you three minutes.
12 With the number of people here we might be able to
13 give you a few more minutes.

14 We'd like for you to keep your remarks
15 centered around the ordinance that we are studying and
16 the kind or type of board or commission you would like
17 to see in the city.

18 You are not here to ask the joint committee
19 questions.

20 Of course I will attempt to answer questions
21 if you have any, but for the most part we want you to
22 tell us.

23 We are out here tonight to give citizens an

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11

1 opportunity to speak. Tell us what is on your mind
2 as long as it is in line with what I just indicated.

3 You can hold your questions to an
4 appropriate time and we may have a Q-and-A session

Hearing1

5 at the end.

6 Let me -- before we get started I have to
7 acknowledge our police commissioner, who is here,
8 William Fitchet. Thank you very much for coming,
9 sir.

10 And I would hope that you can give us some
11 kind remarks here also this evening.

12 Now, I know that there very important people,
13 other important people in the audience. We will give
14 you a chance to speak as we go along.

15 Because I see the union president, Mr.
16 Gentile, and I just want to acknowledge you also.

17 Do any council members have any opening
18 statements they would like to make?

19 (No response)

20 well, so we would open this up now for
21 persons who would like to come forward and give us
22 your general feeling on what a police commission --

23 Yes, you want to speak?

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12

1 MEMBER FROM THE PUBLIC: Yes, sir.

2 MR. TWIGGS: Go ahead, sir.

3 MR. WOJCIK: Good evening.

4 MR. TWIGGS: Do you have written remarks?

5 MR. WOJCIK: Yes, I do.

6 I am going to read from them. I am not so
7 sure if everyone can hear me or should I use the mic?

8 MR. TWIGGS: First please give us your
Page 10

Hearing1

9 name and address.

10 MR. WOJCIK: My name is John Wojcik.

11 I live at 65 Green Lawn Street, Springfield,

12 Massachusetts.

13 MR. TWIGGS: Go ahead, John.

14 MR. WOJCIK: I am a life long resident of

15 the City of Springfield.

16 Like I say I want to talk about the ordinance,

17 and in order for me to talk about the ordinance in the

18 proper way, I've got to look at some back-up data to

19 get me forward to the ordinance.

20 And one thing I'd just like to say, those

21 who don't know, is that year-to-date arrests in the

22 City of Springfield is almost five thousand.

23 We are up at forty-eight hundred and we

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13

1 average about forty-eight hundred arrests a month or
2 sixteen a day.

3 Every ninety minutes an officer is engaged in
4 somebody's arrest. There may be multiple arrests and
5 this and that, but every ninety minutes there is an
6 arrest.

7 That is not counting two or more arrests.
8 That is another approximately nine hundred and five a
9 year.

10 They are investigating twenty-five thousand --
11 they write twenty-five thousand citations a year,
12 approximately forty-five hundred accidents a year.

Hearing1

13 So they are very active, very busy, and
14 court time and this and that, there is a lot of
15 stress on them, and I feel they are doing a great
16 job.

17 And one thing I want to quote on this FY 11
18 budget for the City of Springfield, on page 7.8 with
19 respect to dealing with the police department, there
20 is something that is very very positive I feel is in
21 there, and that is page 7.8 and I quote from it and it
22 is positive.

23 It says they had weekly senior staff

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14

1 meetings and they had seven guiding principles --
2 they call them DDAX (sic), data collection, data
3 analysis, community partnership, strategic
4 opportunities, information sharing and outreach
5 programs and mentoring and measuring the outcome of
6 all those meetings.

7 I think that is very very positive.

8 And I feel that the police department is
9 doing an excellent job in making the city and our
10 residents safe in fighting crime in a professional
11 manner as to their tactical, every day out on the
12 street, and most important their strategic initiative
13 that they have put forward.

14 I feel very very positive on that.

15 And as far as the board goes, I would like to
16 see the board to be a proactive board, not a reactive

Hearing1

17 board, not a board that just issues discipline, not an
18 adversary of the police department.

19 work with the police department and the
20 community on areas of opportunity.

21 Don't limit yourselves to be an adversary,
22 adversary.

23 I would like the board members to be, the

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1 committee there to attend some type of training, such
2 as the police department, take some modules at the
3 police academy, the state police academy, to see what
4 our police officers are up against every day and
5 realize situations and what they face on a daily basis
6 and the training they take.

7 And also recommend do they need more training,
8 stress management, conflict management.

9 Our city is changing, there is more crime, it
10 puts more burden on the police. What can we do to help
11 them on the street?

12 And here is another outlook:

13 Why not visit Ludlow jail and talk to some
14 inmates and say, if you could do things differently,
15 what happened when you were under arrest, how did you
16 react? How did the police react?

17 You may pick up some ideas from that and bring
18 it back to them, to the police and the city.

19 And then, oh, also, it is an opportunity -- I
20 am going to close here very quickly.

Hearing1

21 By being cohesive and working as a team
22 instead of just a disciplinary board is, it creates an
23 opportunity, something to look at.

16

1 Say, if a police officer is assigned to a
2 high -- I don't know this, but if a police officer is
3 assigned to high crime area sectors, should they be
4 rotated out of that area?

5 If we look at the conflict with our troops.
6 Do we look at that? I don't know.

7 But it is an opportunity for the board to look
8 at and to go after.

9 And in summary I would like the review
10 board's powers to be limited to advisory only.
11 Limiting your power to discipline issues will only
12 limit your interaction with the police department,
13 result in missed opportunities that would benefit the
14 police and our citizens.

15 Your focus must be on positive change.

16 Thank you.

17 MR. TWIGGS: Very good, John.

18 I have a question for you. Archbishop Timothy
19 Paul.

20 ARCHBISHOP PAUL: Of the three proposed
21 ordinances, which of these do you feel are, you could
22 support or would you like to see supported of the
23 three proposed ordinances?

1 MR. WOJCIK: I feel neglected on that
2 because I have not read the three drafts. I just
3 picked them up tonight.

4 So I couldn't speak on them with a clear
5 conscience of what they are.

6 But based on what I have seen in the past,
7 I would like to see something -- I am not opposed to
8 a board, but again I'd like to see a cohesive
9 partnership, and I feel that --

10 ARCHBISHOP PAUL: Would that board have
11 disciplinary power as well as a police department
12 review?

13 MR. WOJCIK: Discipline as an advisory
14 only because of a lot of litigation and conflict of
15 interest.

16 And if we talk about discipline -- I give you
17 this last one.

18 why do we issue discipline anyway?
19 Is discipline meant to be punitive or is it really to
20 change behavior?

21 Discipline is really issued to change
22 behavior. If you can change behavior with the
23 community and the police, it becomes a non-issue.

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Hearing1

1 Let's go after opportunity to change behavior
2 where you don't have to issue discipline.

3 MR. TWIGGS: Thank you very much.

4 I would appreciate if after you had had a
5 chance to review the three drafts, if you would like to
6 submit something in writing to us, please do so.

7 MR. WOJCIK: I have no problem with that.
8 Thank you.

9 MR. TWIGGS: And you can go on the city
10 website and there is information there how you can post
11 it right on our website.

12 MR. WOJCIK: I will gladly do that.
13 If you ask me to come before you again, I can probably
14 talk about this for eight hours.

15 MR. TWIGGS: Well, I see you are ready.
16 You came prepared.

17 Thank you very. I think your remarks were
18 very pointed.

19 Next.

20 CITY COUNCILLOR ASHE: Mr. Chair, I
21 know there are a couple of members before we started
22 on the current commission, if they could identify
23 themselves.

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19

1 I know there is two, Terry and Edgar
2 Alejandro.

3 Is there anyone else? Just the two.

4 MR. TWIGGS: We'll offer you to make

5 remarks also at some point during this session.
6 You are welcome to make remarks also.

7 MR. JARNES: I have something to add.
8 with regard to the terminology about
9 discipline, it is more from the union's perspective --

10 MR. TWIGGS: I don't want to answer that
11 kind of question.

12 MR. JARNES: Okay.

13 MR. TWIGGS: Mr. McCollum. would you give
14 us your name please?

15 MR. MCCOLLUM: Thank you.

16 My name is Robert McCollum. I live at 763
17 Allen Street, just around the corner from here.

18 I submit that you are going to hear probably
19 testimony that is going to make it sound like there
20 are two different Springfields, and the chances are
21 for a lot of people there are two different
22 Springfields.

23 Those that are in great support of the police

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20

1 department and those that have some legitimate fear
2 about the police department.

3 That every time a police car gets behind their
4 particular car, they get a little bit nervous and
5 wonder why and hope that they are not going to be
6 stopped.

7 I can tell you from my own personal
8 experience, I was brought up here in Springfield

9 where I had as a teenager been abused by police
10 officers in groups that I was with and not doing
11 anything, stopped by police officers, thrown against
12 the wall, searched and had hoped that, you know,
13 things like that wouldn't happen any more as I got
14 older.

15 I remember specifically my mother and
16 father telling me as a black child how I was supposed
17 to react to the police department if I was ever
18 stopped.

19 And that is a conversation that most black
20 parents have with their children, how they are
21 supposed to react when a police officer stops them.
22 And it is a sad kind of conversation.

23 I also had to have that same conversation with

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21

1 my sons and I have three sons.

2 One son was followed into the driveway by a
3 police car who told him in the driveway of my house at
4 763 Allen Street, told him that he didn't belong here,
5 that this was not his neighborhood because of the
6 color of his skin.

7 My wife came out and corrected the police
8 officer.

9 I had another son that on Halloween sometime
10 ago who was actually assaulted, slapped by a police
11 officer.

12 When I found out about it, I certainly took

Hearing1

13 care of that. But more in a private way. I was
14 on the school committee at the time and there were
15 some issues and nervousness between police and the
16 community relations, and it was something that I, my
17 wife and the present, at that time the police chief
18 thought that we would handle so there wouldn't be a
19 big explosion in the city.

20 So I know that it does go on.

21 We probably wouldn't have gotten to this
22 point though had the police monitored themselves, had
23 partners, particularly when I was growing up, the

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22

1 partners of the police officers that were doing wrong
2 would have pulled that police officer aside and said
3 you can't do that.

4 Unfortunately that doesn't seem to happen a
5 lot.

6 It is important that we have a civilian
7 monitoring board, one that does have the power to
8 discipline above and beyond or in coordination with
9 the commission because it happens.

10 The wrongdoing by some police officers
11 happens.

12 And unfortunately that taints all the other
13 police officers that are doing a fantastic, great,
14 necessary job. And I say to police officers when I
15 see them, God bless you, because they do have a
16 dangerous job.

17 But I want those police officers that are
18 doing their job to be upheld or honored by the
19 community and not be afraid, not have the community
20 be afraid of them and have the community respect them
21 for what they do.

22 But again one, two, three bad apples that
23 get through, they can ruin the whole bunch.

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1 So I would ask for the strongest ordinance
2 possible and yes, be very careful and selective who
3 goes on that board, and then they should react
4 responsibly and do the things that they should do.

5 Thank you. I appreciate this time.

6 MR. TWIGGS: Thank you very much. Any
7 questions?

8 Archbishop.

9 ARCHBISHOP PAUL: Yes.

10 He asked for the strongest board possible.
11 Out of the three proposed ordinances, which one would
12 you be able to support?

13 MR. MCCOLLUM: I am going to have to do
14 what you invited John to do.

15 John is a good friend of mine and we have had
16 this discussion before and it is good that reasonable
17 men can agree to disagree.

18 I will look through all three of these and
19 then make a decision and bring that forth, and if I
20 don't see what I like, I'll add a recommendation.

21 MR. TWIGGS: Thank you very much.

22 Thank you.

23 Do you have a question?

24

1 CITY COUNCILLOR FENTON: No question.

2 Thank you, Mr. Chair.

3 I just wanted to point out that although the
4 Archbishop's comments are well taken and on point, I
5 do just want to make sure that everybody is aware that
6 we are not restricted to the three ordinances that have
7 been proposed.

8 The task of this committee I would think is
9 to select the best portions of all of those to get
10 some ideas for what is not in there to be able to
11 incorporate it into what will be the best legislation
12 that we possibly can come up with.

13 MR. TWIGGS: Thank you, Councillor.

14 Yes, Edgar Alejandro.

15 MR. ALEJANDRO: Yes. Thank you.

16 I was hoping to hear more testimony. I
17 apologize, but I do need to be some place else. But I
18 do want to make a couple of comments.

19 My name is Edgar Alejandro. I live at 103
20 Barrelcrest Road in Springfield, and I am a member of
21 the existing Community Police Hearing Board.

22 So I appreciate the opportunity of the
23 discussion here and to see so many interested

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Hearing1

1 people.

2 I have been involved with this change since
3 the former police commission was first enacted under
4 executive order, given a certain amount of authority
5 with a debate in the papers and in the community about
6 whether it had enough authority or teeth or not.

7 I went on to the chairperson of that committee
8 and we went on to another level of executive order
9 where we now have the authority or the ability to make
10 recommendations around discipline and so on and so
11 forth.

12 And I would submit to this committee and to
13 the people here that it is not so much about a model.
14 It is more about the communication and the interaction
15 between the police department. Citizens were
16 overseeing the police department and the community
17 itself.

18 I've had the opportunity to hear or review
19 over three hundred cases of complaints. And I would
20 submit to you that ninety-nine percent of those
21 complaints were either unsubstantiated, had no basis
22 in evidence or fact and the police department acted
23 within their authority and their jurisdiction to do

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1 what really was the right thing to do.

Hearing1

2 Of course there might have been some
3 situation, and we've heard of one recently, where we
4 thought maybe there was some excessive force.

5 But I just want to make it clear, if you get
6 involved with this, as we have, my colleague Terry
7 here has, you will see day in and day out that the
8 police department does a very very good job. And I
9 say an exceptional job.

10 Now, that doesn't mean that they don't need to
11 have oversight. Believe me they do.

12 But I don't think it is so much a matter of
13 what model. We have looked at models.

14 We have looked at the McDevitt report, we
15 have looked at Kansas City, we have looked at
16 California.

17 You can go with whatever model you want, but
18 I think you need good people working together with
19 the police department, and I think that the community
20 has a responsibility to be respectful of the police
21 department, and yes, when they do stop you, I am
22 nervous, we should be nervous.

23 They are nervous. It is very dangerous.

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1 Now, how they interact with that is another
2 matter.

3 But I just want to make it clear here that we
4 need to support our police to do the job that they need
5 to do within the ability and the rules and regulations

Hearing1

6 that they have.

7 And the work that we do, and I hope Terry
8 speaks shortly, and it is not easy work. But if you
9 read the complaints and you listen to the testimony,
10 as we have, I would suggest to you that we are on the
11 right track and we should continue to have oversight,
12 but I don't think that there is any silver bullet here,
13 Mr. Chair. It is just hard work and we just have to
14 keep communicating.

15 Thank you.

16 MR. TWIGGS: Edgar, let me just -- before
17 you leave let me just make it perfectly clear this is
18 not a witch hunt.

19 I mean this is not to try and create
20 something that does not exist within the police
21 department.

22 We are just looking for a methodology as to
23 how we can better have community police relations based

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1 on the ordinances that are before us now.

2 So I don't want anyone to have the feeling
3 that this is a witch hunt because it is not.

4 We have people on this board that are very
5 strong advocates of the police department. But what
6 we are looking for is a commission or board that can do
7 what you indicated without the -- and having the
8 community to buy into it.

9 It seems to me that the community needs to

Hearing1

10 buy into it for it to be successful, ultimately
11 successful.

12 MR. ALEJANDRO: I agree and again I
13 would suggest to you the reason why we have the
14 ordinance and the structure that we have now is
15 because the community at that time did not like the
16 strong number one proposal that we had was with the
17 commission that had total powers over the police
18 department and had total powers over budget, hiring
19 and firing, discipline and so on and so forth.

20 Ergo, it was changed to things that we have
21 seen over the last two or three years.

22 Now we are looking to change that and that
23 may be a good thing.

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1 But my suggestion to the group is, it is not
2 about tomorrow. It is about how they communicate
3 and engage together with the police department and
4 the community to try to make our city the best it can
5 be.

6 MR. TWIGGS: Thank you so very much. I
7 really appreciate your hard work.

8 ARCHBISHOP PAUL: Mr. Chair?

9 MR. TWIGGS: Yes. Edgar.

10 MR. ALEJANDRO: Yes, sir.

11 ARCHBISHOP PAUL: I heard you say a
12 moment ago that the reason why we have this model is
13 because the community did not approve or like the

Hearing1

14 police commission model.

15 was that something that was done by the
16 control board? I would like just to hear it from your
17 perspective.

18 MR. ALEJANDRO: Well, I may not be the
19 best person to answer that.

20 My understanding was that the community was
21 not pleased overall with the performance of the
22 previous police commission based on some cases that
23 had occurred.

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1 The involvement of the control board and how
2 that was all changed may have played a role in that,
3 sir. I really cannot respond to that because I was
4 not involved.

5 But I know being a resident here that there
6 was a strong feeling like we have to make changes
7 because this police commission isn't doing what it
8 needs to do for the community.

9 I don't know what the role of the police, of
10 the control board was. Maybe someone else can answer
11 that.

12 MR. TWIGGS: I think that is one of
13 those --

14 MR. ALEJANDRO: That is why we went
15 and spent I don't know how many thousands of dollars
16 to hire a consultant to look at the city and come
17 up with a recommendation for something that was

Hearing1

18 better.

19 MR. TWIGGS: I think we can answer that
20 question as we further discuss it.

21 I thank the Archbishop for the question, but
22 I think that is one of those kinds of questions that
23 we don't want to get into arguments now or asking

□

31

1 someone to answer something that they don't know the
2 answer to.

3 Next speaker please.

4 MS. DOUGLAS: My name is Brenda Douglas
5 and I live at 142 Santa Barbara Street in Springfield.
6 And the reason that I am here is that --

7 MR. TWIGGS: I am sorry, what is your name
8 again?

9 MS. DOUGLAS: Brenda Douglas.

10 MR. TWIGGS: Thank you. Go ahead.

11 MS. DOUGLAS: The reason that I am here
12 is as a citizen I would like to explain my experience
13 that I had with the police department and what my
14 interest is in being part of this committee and what
15 input and suggestions that I would like to make.

16 On October 10th, 2008 my son Lenny Brown
17 was arrested and less than a couple of hours after
18 being arrested by the police he died in police
19 custody.

20 And even with me as a citizen that experienced
21 one of the most tragedies that a mother can experience,

22 I still support our police department.

23 I know that they do hard work, that we are

32

1 living in a time and society that there is no respect
2 for authority, whether it is the police department or
3 the teachers in school, parents or anybody, but on the
4 other hand I am very much in support of a committee
5 that participates with citizens and other
6 professionals.

7 My experience was that I did not have any
8 input of exactly to date what actually happened to my
9 son.

10 I did have an opportunity to meet with the
11 commissioner who was actually very nice when I met
12 with him, but that was not on a personal invite nor
13 was it on something that was going to give me
14 information.

15 He was courteous enough to accept me to come
16 see him when someone through I work with arranged that
17 meeting.

18 Afterwards I was told I also had an
19 opportunity to meet with the mayor, and I was --
20 again not an invite -- and I shouldn't have had to
21 meet with the mayor when people are protesting still
22 continuous things that are happening within the
23 community, and when you don't get an opportunity to

33

Hearing1

1 address some of these things, I think that is very
2 important that citizens be part of the committee, that
3 there is going to be some discipline and adversary with
4 the mayor and not so much as who -- I don't know if I
5 am prepared to even know who is supposed to do that,
6 but I think we should have a part of it.

7 As Mr. McCollum referred to, I think if you
8 talk to different people, you would believe that we
9 are living in a Springfield with two cities.

10 I have been a parent as a single mother, you
11 say to your children when they go out there, that is
12 the conversation, same as crossing the street, talking
13 to strangers, how you are addressed and the way you are
14 supposed to act when you are in front of the police
15 department, police period.

16 And that is why I do question what happened
17 to my son, regardless of I probably will never know
18 what happened behind those bars.

19 There has never been a clear opportunity or
20 chance to meet, ever sit down, the lack of
21 communication has been there.

22 You also almost feel like you have no voice,
23 that, you know, you want some checks and balances

□

34

1 with accountability and not appear it's a rubber

2 stamp.

3 And I think there needs to be an independent
4 committee that is non-biased with much accountability,
5 and that is what my interest would be.

6 MR. TWIGGS: Thank you very much.

7 I am -- I would just like to apologize for
8 your son losing his life in the custody of the police
9 department.

10 I don't know if it has been done. I take that
11 honor.

12 MS. DOUGLAS: Thank you.

13 MR. TWIGGS: I am very sorry that you did
14 lose your son. Thank you for coming out and giving
15 your testimony.

16 As you know, we are going to have three or
17 four more of these and I am sure you might have other
18 things to say. And I invite you to come back
19 again.

20 ARCHBISHOP PAUL: Mr. Chair. I seem to
21 be asking all the questions. I don't know what it is.

22 MR. TWIGGS: Go ahead, Archbishop.

23 ARCHBISHOP PAUL: Brenda, I just want to

□

1 ask you a question.

2 Were you able to meet with any of the
3 existing review boards or was anybody -- what kind of
4 environment you might have gotten, satisfaction or
5 decision from that.

6 MS. DOUGLAS: I did not because again I
7 want to stress that while I did not actually know
8 what happened, I'll probably never know, I did not feel
9 that by the police department and officers that I dealt
10 with directly, not including the commissioner, and that
11 was expressed to the commissioner and I do feel he was
12 sincere and -- although I don't know what follow-up was
13 done behind it.

14 But I was told that there was a citizen
15 review process, and I spoke to some people in the
16 mayor's office, but again I felt that was almost a
17 rubber stamp, and that is why I think that citizens
18 should be part of that process because there was
19 never any follow-up behind that.

20 ARCHBISHOP PAUL: Thank you.

21 MR. TWIGGS: Next. Next person.
22 Who would like to speak?

23 MR. GENTILE: Would you like me to come up

□

36

1 now?

2 MR. TWIGGS: At any point.

3 MR. GENTILE: Good evening. I am Joseph
4 Gentile.

5 I am the president of the Springfield Police
6 Department Patrolman Unit.

7 I would like to say on behalf of my
8 membership that we support proposal number one with
9 full knowledge that the commissioner's contract goes

Hearing1
10 for two and a half more years, possibly more, and that
11 it wouldn't be able to be implemented in that form
12 until that contract expires.

13 We believe that that is the best model that
14 we have to choose from out of these three.

15 Councillor, you have mentioned that there is a
16 possibility that you could come up with something
17 better than any of these, and if that is true, we are
18 willing to keep looking at it until we get it right.
19 I'll be very happy.

20 My main concern -- I have some ideas on how we
21 got to having a police commissioner in the City of
22 Springfield.

23 I think it was one of those circumstantial

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1 cases that makes itself, and that was the Control
2 Board wanted to get right of the existing chief and I
3 won't go into this, I know you don't want me to.

4 But that is how we got there.

5 Now, my concern is that at that time we
6 thought it was a bad idea. We have consistently
7 spoken out on the fact that we understand there needs
8 to be civilian review of the police department. We
9 are not opposed to that.

10 We are not opposed to having civilians
11 have more power than just discipline.

12 What bothers us is this idea that you are
13 going to take a group of people from the community and

14 you are going to give them one job, and that is to
15 look at us, either at our worst or when we are being
16 accused of the worst, whether we have done it or not,
17 and that is the only way they know us.

18 That is why we are so concerned about that.

19 Again, might there be something in between?
20 Might there be a different model? Possibly.

21 But of the three models that we see in front
22 of us, to us there is only one that makes sense, and
23 that is the return to form a police commission, and

38

1 that is all I have.

2 MR. TWIGGS: Mr. Gentile, let me just say
3 with respect to where we are going and what presently
4 exists, I think we can do better.

5 I am not necessarily in full opposition to
6 number one of the proposals, but I just think that
7 great minds should be able to come up with something
8 that works and works better than it worked before.
9 And it is not to just review policemen in a
10 disciplinary setting.

11 I mean we've got to come up with a model
12 that praises them when they do good.

13 I mean do things that make this police
14 department a part of this city. It should be a
15 community police relationship, great police community
16 relationship. At least in my heart, that is where I
17 am at.

Hearing1

18 So let me assure you that whatever we come up
19 with, it is not going to be one-sided, that is, only
20 looking at discipline.

21 I am sure we are going to look at the full
22 ramifications of the police's job.

23 MR. GENTILE: And I appreciate that. I am

39

1 sorry.

2 I do want to say that I do appreciate all the
3 work that you guys have put into this because I keep
4 showing up with you guys and I know how much I am
5 putting in, so I know how much you are putting in.

6 I also want to make it clear that with
7 regards to the police commission, police commissioner
8 rather, and with regards to the members of the board
9 that are here, none of this has to do with the
10 individuals.

11 For us the idea that the individuals are
12 going to change, including myself, I am not going to be
13 the union president forever, I am not going to be a
14 police officer forever.

15 The boards are going to change, the members
16 on the boards are going to change, what we need is the
17 best model possible.

18 MR. TWIGGS: Right. Thank you.
19 Thank you very much.

20 Next. Oh, let me introduce one of our
21 councillors that just came in, Councilman Jimmy

Hearing1

22 Ferrera.

23 Thank you very much for coming, sir.

40

1 Next person.

2 Don't be bashful. Come forward.

3 MR. RYAN: I am Frank Ryan and I live at
4 720 Allen Street.

5 I want to pick up on that last point I just
6 heard.

7 We are concerned about what this police
8 hearing might be. I think that needs to listen to the
9 citizens until I see that there are some, something in
10 the proposals that they will be holding community
11 liaison types of meetings.

12 I think it should almost be a police citizens
13 hearing board so that there is serious action that we
14 expect from an oversight board such as this.

15 Is that they are able to be fair and
16 reasonable.

17 But I think it is important that the members
18 need to get out to the city probably twice a year and
19 move about the city where they are listening to --
20 that building of community police relations.

21 So I think there is a whole PR dimension
22 that I didn't see. This is the first time that I have
23 looked at them, and here are the rest of my thoughts

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Hearing1

1 on this:

2 I think it is very important that every
3 resident in the city believes that the police hearing
4 board be seen as fair, balanced and diverse, which I
5 see in some of the proposals.

6 So that residents truly believe that there is
7 a concerned police force that is listening to the
8 problems of the city.

9 And those are the issues that I think get
10 inflamed in the press, and it is important that they be
11 seen as men and women who are fair and balanced and
12 reasonable about the charges that they are hearing and
13 I believe that would come out in those types of PR
14 meetings that I think should be part of the dimension
15 in here.

16 That the board sets the tone, the demeanor and
17 the attitude throughout the city, that everyone is
18 expected to be reasonable and civil, respectful for,
19 towards every police person and likewise that every
20 police officer, it's like the bottom line of any of the
21 complaints that come in. It is just -- it goes from
22 the top down.

23 That everyone has human respect, civility

□

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1 towards each and every person.

2 That is the tone that we used to have towards
Page 36

Hearing1

3 the police officers and we need to get that back.
4 Most of them I have met truly deserve that type of
5 respect.

6 We certainly appreciate the type of danger
7 that they are in and I believe that their training
8 has led them to use restraint in force and to make
9 quick decisions about the problem that they see before
10 them.

11 When a police officer is charged with
12 something, it is important again that the board be
13 seen as one that the police officer is entitled to a
14 fair, reasonable hearing, and I am looking for some
15 teeth in this that says that it will be resolved in a
16 timely manner.

17 And finally the other teeth I am looking for
18 in this, and I read it carefully, I am not going to be
19 able to find it.

20 MR. TWIGGS: Take your time.

21 MR. RYAN: There needs be enumeration
22 of the type of disciplinary action that a board such
23 as this can take and recommend to our chief of

□

43

1 police.

2 At the conclusion of such a hearing I
3 think it is important that a guideline from the law
4 department or from the present understanding that our
5 police chief has in disciplining his officers that the,
6 that this police hearing board is truly a part of that

Hearing1

7 process. To the point that they need to go is that
8 that would be the conclusion of the hearing, that
9 they would bring that to our -- to Officer Fitchet.
10 And I don't see that anywhere.

11 So I am asking for you to just consider that.
12 When I have time I will give you a written
13 response to that.

14 MR. TWIGGS: I was going to ask you to do
15 that.

16 It appears that you -- well, I think
17 everybody has given sincere thoughts in terms of what
18 they wanted to say this evening. But some of us write
19 better than we can speak.

20 And so I would ask when you have a moment to
21 sit down and write up something and send it to us.

22 Thank you very much for taking your time
23 and come to speak to us.

□

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1 Next person. Did you sign in, Frank?

2 MR. RYAN: Yes.

3 MR. TWIGGS: Next person please.

4 This is your opportunity to speak to us.

5 COUNCILLOR ASHE: Mr. Chair.

6 Maybe at this point it is -- the speakers are
7 stopping, maybe Attorney Pikula can add something.

8 I urge you to read the summary of the three
9 proposals that Ed has written up. But also there is
10 some legal I think matters that the public might not be

Hearing1

11 aware of that maybe we can straighten out in terms of
12 what action this board can take in terms of the
13 contract and so forth.

14 I think that is important if you kind of put
15 it out in the public realm.

16 MR. PIKULA: Sure.

17 I just -- I think it is summarized in the
18 comparison that we have Commissioner Fitchet under
19 contract up until 2013, and so we need to take that
20 into account.

21 We have a civil service statute, Chapter 31,
22 which applies to the disciplinary process and puts the
23 power of discipline with an appointing authority which

□

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1 is Officer Fitchet.

2 Under that statute you really can't unbundle
3 the rights very well, this party can do the
4 disciplining and this party can do the hiring, you
5 know. They all go together under the appointing
6 authority.

7 And the model, for lack of a better word,
8 that we are using now takes into account the
9 commissioner's contract, the ordinance that
10 establishes a single police commissioner who is
11 responsible for that.

12 We don't have a -- we have a police
13 commissioner who uses the current board as his
14 hearing officers under the civil service statute.

Hearing1

15 So we take into account the commission
16 ordinance and the contract with the commissioner that
17 we have pursuant to that. We take into account the
18 civil service statute, Chapter 31, and the
19 disciplinary powers and who has those powers, and we
20 take into account the contract we have with the police
21 officers union and some of the limitations that we
22 have there.

23 For example, under the union contract there

□

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1 is a provision that says we have ninety days from the
2 date that we learn of an incident to make a decision
3 as to whether we are going to charge that officer with
4 some disciplinary charges.

5 That is a very short window of time to gather
6 all the information, put it all together and have some
7 civilian review, and as a result the current civilian
8 review board divides themselves into three panels and
9 they meet every week to review all the complaints that
10 come in, so that they can make a recommendation.

11 And they keep track of all of those and they
12 make a recommendation as to whether they think the
13 commissioner needs to take some disciplinary action,
14 whether IIU needs to go back and do some further
15 investigation.

16 And as I said, it is a very short window and
17 so the board has divided itself into panels to do that
18 sort of on a regular basis.

Hearing1

19 And then the commissioner takes those
20 recommendations, reviews them. If he feels that a
21 disciplinary action is warranted, he sends a charge
22 letter pursuant to Chapter 31 and that officer is
23 then going to face charges and has a right to a

□

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1 hearing, and he has a right to hear those witnesses
2 and present his own witnesses or her own witnesses,
3 and that is done in front of this board.

4 So that is kind of the way we are doing it
5 now. It takes all those things into account.

6 If I could just add one thing -- I have heard
7 so much tonight -- which might be helpful.

8 Perhaps I could add to the sort of
9 legislative history that we are creating here for
10 this. Sort of a brief history of the past
11 twenty-five years, say, the ordinances that we had
12 and how they evolved in terms of the ordinances,
13 executive orders, studies, the MCAD complaint brought
14 by the Pastor's Council, the MCAD Commissioner
15 Cynthia Tucker and her order that police discipline
16 in Springfield be investigated.

17 That is what led to the MCAD ordering that
18 Professor McDevitt, who is a criminal justice
19 professor from BU, who was -- who did a lot of work
20 in racial profiling, review the Springfield
21 disciplinary process make recommendations.

22 We have that study. Perhaps we can put that

23 study up on the website so people can read that. And

48

1 then I think it would give the public a better idea
2 how we got to where we are today.

3 And so I will work to put together a brief
4 history and see that the McDevitt report gets posted as
5 well.

6 MR. TWIGGS: Thank you very much, city
7 solicitor.

8 Next please.

9 MR. ABERDALE: Good evening everyone,
10 members of the committee.

11 My name is Terry Aberdale. I am currently a
12 member of the City Police Review Board and there is a
13 couple of highlights that have been mentioned by a
14 number of individuals tonight and there is also some
15 gaps that exist between some of those highlights that
16 need to be filled in.

17 I'd like to just point out a couple of
18 important aspects that have to be taken into
19 consideration.

20 I apologize I am not familiar with the three
21 proposals that you have in front of you. I will be
22 very shortly though.

23 But in consideration of a realignment of

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1 duties and responsibilities relative to a police
2 review board as well as to the commander of the Police
3 Department, in this case Officer William Fitchet, who
4 we are actually very blessed to have such an open-
5 minded individual with the insight, knowledge and
6 experience that he carries and that he presents.
7 He is well respected in the law enforcement community
8 on all levels and so forth.

9 We are, we, as I say, as a board currently
10 are limited in what we can do because of the way in
11 which the police commissioner's position was
12 developed originally going back to the previous
13 administrations.

14 And that deviated from the existing at that
15 time chief of police.

16 It went to a commission, a commissioner who
17 was empowered with a great degree of responsibility and
18 a great degree of departmental control.

19 We are governed by many guidelines that are
20 legal and we have to abide by those as a board.

21 As our city solicitor, Mr. Pikula has just
22 elaborated, Chapter 31 of the civil service regulations
23 as well as the ninety-day rule in which we have to

□

1 have a complaint made and you have ninety days to have
2 that investigated.

3 Now, that is investigated by what is known
4 as IIU, the internal investigative unit, of the
5 police department.

6 They are a separate unit. They do an
7 immense job, a very meticulous, arduous, detailed
8 job in gathering the evidence to present to the
9 review board to look at and to make a determination
10 of guilt, innocence or whatever may be the situation
11 relative to the particular complaint that has been
12 filed by either a citizen or a group.

13 And I have to say that it has been
14 recognized not only on the local, but on the state
15 and federal level, the integrity of those IIU
16 investigation reports has been in the paramount of
17 material.

18 Because when -- particularly myself with
19 twenty-three years in teaching of all types of
20 criminal justice courses and law enforcement courses
21 as well as thirty-three years in the field, and when
22 we review a case, it is done on the preponderance of
23 the evidence that is there.

□

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1 Everyone who has made a complaint has the
2 opportunity to come before that board and explain and
3 be cross-examined and to elaborate on whatever the
4 situation may be.

5 They have that opportunity and many have
6 taken advantage of it.

Hearing1

7 And then we subsequently, based on the
8 preponderance of the evidence that is presented to us,
9 turn and make a recommendation to the commissioner as
10 far as discipline status and what we see as the outcome
11 based on the preponderance of the evidence.

12 And I do have to say this:

13 That when the -- our deputy chiefs and the
14 commissioner, they themselves review those cases in
15 very intricate detail.

16 They also look for detailed evidentiary
17 material that is relevant to the charges that have
18 been put forth, as well as insuring the fact that
19 the, not only the investigation, but that the
20 actions that the officers took in accomplishing
21 whatever that situation was that led to an arrest
22 or whatever, that it was done according to the
23 policies and procedures of the police department,

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1 as well as what is accepted as, accepted type of
2 performance by an officer.

3 If there is an excessive amount of
4 performance, whether it be in force, in language or
5 what have you, that will be dealt with.

6 But that is the crux of what goes into
7 making the preponderance of the evidence that we use
8 in making a judgment on a particular case.

9 Now, I am not going to reiterate what has
10 already been said about the McDevitt report and many

11 others, and believe me I have reviewed other police
12 review boards nationwide through the Department of
13 Justice that supplied me with this material.

14 Our biggest difficulty in this city is a
15 small minority of individuals, extremely small in
16 comparison to our number of citizens, and it is
17 those individuals who are involved with drugs, guns
18 and gangs that leads to their antisocial behavior
19 that elicits a response by the police to insure the
20 safety and stability and civility of our city and the
21 protection of our citizens.

22 And they do that job according to policy,
23 procedures that each officer has to go through

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1 initially to become an officer through the academy,
2 and then every year undergo forty hours of training
3 were many, whether it be changes in the law or changes
4 in procedures, they are advised.

5 And when there is a change in a policy or
6 procedure of the department, the officers are
7 immediately notified and that is implemented and they
8 are trained in that change.

9 As I indicated, it is a small element in our
10 society that creates a problem for all of us.

11 And besides the guns, the drugs and the gangs
12 we have to remember something: That when a police
13 officer, and this is not just here in Springfield --
14 this is by our constitution and by our bill of

15 rights -- if a law enforcement officer comes upon a
16 scene, that officer representing the respective
17 community that he does or she does, they are
18 representing that community and subsequently they are
19 responsible.

20 So they are in charge of that situation.
21 And what is expected is that until the officer finds
22 out and separates what is transpiring or what has
23 transpired, the officer is in control of that

□

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1 situation.

2 And it is expected that the community and the
3 citizens that are present will cooperate with the
4 officer, and that leads to all of the material that
5 ends up coming before the board for its review.

6 So no matter what format you are going to
7 develop and no matter what type of a board you are
8 going to get -- I shouldn't say get, but whatever is
9 going to be put together -- has to have the foresight
10 and the intestinal fortitude to not be politically
11 correct, but base their judgments and their decisions
12 on the code of law enforcement, the laws of our land,
13 the laws of our city, our state, and base the judgment,
14 no matter what type of a board that you decide to come
15 up with as a recommendation to the administration, but
16 that that information that is going to be contained in
17 that report realizes that in all situations that the
18 public needs to respect the responsibilities that the

19 officer has.

20 And if they have nothing to hide, they are
21 going to go along and let the officer do what they are
22 supposed to do.

23 Because we want our officers at the end of the

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1 day to be able to go home to their families.

2 MR. TWIGGS: Mr. Aberdale, are you aware
3 that one of the proposals that is before the City
4 Council is the executive order that created the board
5 that you presently sit on?

6 MR. ABERDALE: It was an executive order
7 of the mayor.

8 MR. TWIGGS: I said are you aware that
9 one of the ordinances that we are presently reviewing
10 is the executive order that created the board that you
11 presently sit on?

12 MR. ABERDALE: Yes.

13 MR. TWIGGS: You are aware of that?

14 MR. ABERDALE: Yes, from an ordinance,
15 yes.

16 MR. TWIGGS: Well, the other two
17 ordinances that are before us, one deals with a police
18 commission that was in place prior to, and the third
19 one deals with a combination of both.

20 I would suggest that you take a look at
21 those ordinances because we are not here to discuss
22 what presently exists necessarily or to infringe on

Hearing1

1 board that is going to look at honor and respect law
2 enforcement officers who are, you know, protecting our
3 society and making our neighborhood safe so that we can
4 enjoy our quality of life here in the City of
5 Springfield.

6 MR. TWIGGS: That is what I would think.
7 Thank you very much for your time.

8 You took about fifteen minutes, so we allowed
9 it, we allowed it because I think what you were saying
10 was very interesting and probably needed to be said,
11 but I just didn't want you to leave with the
12 understanding that we have another mission other than
13 what we know our mission to be.

14 I would suggest that you get copies of those
15 proposals.

16 MR. ABERDALE: I will. Thank you for the
17 opportunity.

18 MR. TWIGGS: Thank you.

19 For the benefit of all of you here, we have
20 copies of the three proposed amendments that have been
21 submitted to the City Council.

22 We have a comparison. We have a comparison
23 of the three, we have a mission statement.

□

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1 And all of these things are on the city's website,
2 instructions how you get that information from the
3 website.

Hearing1

4 And what else is there, Bobby?

5 MR. ARIETI: The meetings, the next
6 three dates, time and locations for the next three
7 meetings.

8 MR. TWIGGS: Thank you very kindly.

9 And so I would suggest that those of you that
10 have not had a chance to review it, we have copies
11 there for you, for you to take, and if you want to
12 submit something in writing, it is indicated -- take
13 the website instructions so you know how to submit
14 something via the website.

15 Councillor?

16 CITY COUNCILLOR FERRERA: I just have a
17 brief question here that maybe since Attorney Pikula is
18 here this evening -- maybe I should --

19 James Ferrera. Member of the Springfield City
20 Council.

21 Attorney Pikula, I just have a brief
22 question. Maybe you can clear this up for me.

23 In your summary of number one, which is the

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1 proposal that I brought forward before the City
2 Council, you state that under the proposal that it
3 would infringe upon the police commissioner's
4 constitutional rights, and I would just like to know
5 what specific constitutional rights you are referring
6 to.

7 MR. PIKULA: The constitutional right
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Hearing1

8 that prohibits the impairment of contract. That is a
9 specific clause in the constitution.

10 CITY COUNCILLOR FERRERA: State
11 constitution?

12 MR. PIKULA: Federal constitution.

13 CITY COUNCILLOR FERRERA: What act?

14 MR. PIKULA: It is not an act, it's the
15 constitution.

16 CITY COUNCILLOR FERRERA: What amendment?

17 MR. PIKULA: It's not an amendment. It's
18 right in article one of the constitution. It's not an
19 amendment of the constitution.

20 CITY COUNCILLOR FERRERA: That is what you
21 are referring to, article one?

22 MR PIKULA: Yes. I can e-mail that to
23 you.

□

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1 CITY COUNCILLOR FERRERA: That would be
2 great. Thank you.

3 And Mr. Chairman, one other quick question
4 I did have for you and maybe you can briefly go over
5 it.

6 Summary number three, I am a little bit
7 taken back at the actual proposal there. Could you
8 explain to me what exactly you are trying to propose
9 there?

10 MR. TWIGGS: Summary number three?

11 CITY COUNCILLOR FERRERA: Yes. I mean
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12 proposal number three.

13 MR. TWIGGS: I don't know, your question
14 is what are we trying to do?

15 CITY COUNCILLOR FERRERA: Yes, on
16 proposal number three.

17 MR. TWIGGS: Councillor, why don't I
18 suggest you read the proposal and then let's talk
19 about it.

20 CITY COUNCILLOR FERRERA: No, I did, but
21 I just -- I wasn't sure what the difference between
22 number two and number three was.

23 MR. PIKULA: If I may, I can explain, if I

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1 may, Mr. Chairman.

2 Number two is the exact executive order, and
3 number three is the result of some meetings that this
4 joint committee had where some ideas came up for some
5 modifications and reflect what the current practice is
6 of the current board specifically.

7 The original executive order said that this
8 board would be a hearing board for disciplinary
9 complaints issued by the commissioner.

10 An idea had come up at one of our joint
11 hearings that the board should review all complaints,
12 not just the ones that the commissioner sends.

13 So number three codifies that. It says this
14 board is going to review all complaints and in fact
15 that is what they do now.

Hearing1

16 So that is an example of the modification.
17 I am trying to think if there is another modification
18 in there, but between two and three.

19 CITY COUNCILLOR FERRERA: So there is
20 really not much difference?

21 MR. PIKULA: I think there is a huge
22 difference.

23 CITY COUNCILLOR FERRERA: Well, you are

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1 already allowing the -- you are already taking into
2 the fact that you are taking all complaints now,
3 right?

4 MR. PIKULA: Yes. There is a huge
5 difference --

6 MR. TWIGGS: There is a big difference,
7 yes.

8 MR. PIKULA: There is a huge difference
9 between proposals two and three.

10 CITY COUNCILLOR FERRERA: But you are
11 already currently taking all complaints?

12 MR. PIKULA: Correct. And not just
13 taking all complaints, reviewing all complaints.

14 CITY COUNCILLOR FERRERA: Reviewing all
15 complaints?

16 MR. PIKULA: We can only talk one at a
17 time or the stenographer is not going to be able to get
18 it down.

19 So what happens now is every complaint is

Hearing1

20 reviewed and because we need to do that and get it
21 back to the commissioner and have the investigation
22 and everything complete and any follow-up within
23 ninety days, the board had to divide itself into

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1 panels.

2 so it has a set schedule, they know that
3 these two commissioners or board members are sitting
4 this week and another two the next week and they
5 rotate like that with a schedule, so that they are on
6 duty so-to-speak to review all the ones that are ready
7 for review for that week.

8 And so that is what is currently happening
9 now. And proposal three is an ordinance that says --
10 oh I know the other.

11 In ordinance three it is subpoena power.
12 The mayor can't give subpoena power.

13 The commissioner has the power to subpoena for
14 what it is worth and civil service hearing and
15 authorize the board to do that on his behalf.

16 But the City Council actually has the power,
17 subpoena power to a board or commission. So that
18 would be another big difference.

19 CITY COUNCILLOR FERRERA: The subpoena power,
20 okay.

21 And Mr. Chairman, one other thing I would
22 like to bring up at this time:

23 Proposal number one reflects some of the

1 concerns that were brought up here tonight with the
2 fact of just handling just disciplinary matters.

3 MR. TWIGGS: That is correct.

4 CITY COUNCILLOR FERRERA: And I think
5 that is really imperative here and I think that is
6 what a lot of the community members have been talking
7 about this evening is that they want to go beyond the
8 scope of just disciplinary matters.

9 They want to go on to looking at
10 commendations, to looking at promotions, and I think
11 that is really what brings the community together and
12 really understands the Police Department and its inner
13 workings and I think that is the significant difference
14 between the other two proposals.

15 MR. TWIGGS: I thank you, Councillor.

16 CITY COUNCILLOR FERRERA: Thank you.

17 MR. TWIGGS: Thank you for pointing that
18 out, but let me assure you we have already had that
19 discussion.

20 I think we might even want to go beyond that,
21 Councillor. We want to look at, you know, going even
22 beyond what is said in proposal number one.

23 Mr. Ryan, I saw you try to raise your hand.

Hearing1

1 MR. RYAN: No, I was just saying, I read
2 the proposal, number three proposal, complications and
3 different practices, and I think it is very important
4 for the citizens as well as for this board.

5 MR. TWIGGS: Thank you.

6 Are there other speakers?

7 I want to recognize Commissioner Fitchet. If
8 he wanted to just say something to us, we would
9 appreciate it.

10 COMMISSIONER FITCHET: Okay. Good
11 evening, and I want to let you know that I am
12 certainly in favor of the Police Department being
13 reviewed.

14 In fact the present board assisted me greatly
15 in the matters they have reviewed.

16 I will tell you that as Mr. Alejandro has
17 stated, Mr. Aberdale, it is a lot of work.

18 They have done a lot of work. They are not
19 compensated for the work and I found their conduct to
20 be very honorable and that they called it like they
21 saw it in every case.

22 I think you should know that when they made
23 recommendations to me, I followed every recommendation

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1 except one.

2 Every recommendation they made I followed.

3 The one that I did not follow I exceeded the discipline

Hearing1

4 that they recommended.

5 So I had great faith in them.

6 I will tell you with the authority that is

7 invested in me if I thought there was a miscarriage of

8 justice, I would have stepped forward and voided it.

9 But they did such an exemplary job, and Cynthia Tucker,

10 who is the present chair of that board, I have great

11 respect for her.

12 Reverend Bailey, Mr. Tranghisi, Edgar

13 Alejandro, Terry Aberdale, Joanne Morales and C.

14 Jackson.

15 The reason I mention their names is because

16 they are a diverse group of the Springfield community

17 and they are very hard working and they have done a

18 great job.

19 If this board sees fit to change that, and I

20 am sure there is ways that we can all work together

21 for the benefit of the community and the opinions of

22 the City Councilors and elected officials, then we will

23 be able to do that.

□

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1 I want to mention to you that, you know,

2 there is a commendation ceremony. All of those board

3 members have been invited to that commendation

4 ceremony and are certainly welcome to participate in

5 that ceremony on November 30th.

6 MR. TWIGGS: I was going to say on the

7 30th.

8 COMMISSIONER FITCHET: So we have looked
9 at making sure that they have the ability to not just
10 discipline, because that makes for an uncomfortable
11 relationship between the officers and them.
12 I think that we'll be able to come forth
13 with a consensus that will satisfy everyone in
14 Springfield.
15 Holding the officers accountable is important.
16 I tell you it is not pleasant, but I do it every day
17 and there is no great joy in it.
18 However, it is a necessity that has to be
19 done. The Police Department needs oversight. I am in
20 favor of the oversight.
21 They have been of great value I think to the
22 citizens of Springfield, and whatever decision that
23 this board makes, hopefully with the advice of City

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1 solicitor Pikula, so that all stakeholders are
2 invested in the decision, I think we will be able to
3 go forward and have a fine result.
4 MR. TWIGGS: Commissioner, let me assure
5 you, that is what we are reaching out for is to have
6 the stakeholders buy into whatever kind of commission
7 or board we have.
8 It ain't about just you and me, because for
9 the most part we are going to do the right thing.
10 It is for everybody to buy into it and it's
11 operational, you know. It is something that we know

Hearing1
12 is designed to be fair, disrespectful of the person that
13 is before us. It is desired to be fair.
14 That is what we are working toward, to see
15 what can we come up with something that everybody can
16 buy into and is fair.
17 I thank you so very much for coming.
18 I want to add that we have invited some
19 people from IIU to speak before us, some people from
20 the training.
21 City Solicitor Pikula.
22 MR. PIKULA: Yes, sir.
23 MR. TWIGGS: I am just trying to think of

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1 some of the others.
2 Cynthia Tucker has been invited?
3 MR. PIKULA: Yes. I spoke with the
4 commissioner about your invite and he has arranged to
5 see that at each of these meetings there will be a
6 representative speaking on the topic.
7 He is here this week tonight. The next
8 meeting will be somebody from IIU. There will be a
9 training officer, and after that we'll have some
10 community relations officers.
11 MR. TWIGGS: Yes. See, I think it is
12 important that this group gets a clear understanding of
13 what is involved in police oversight.
14 They need to see what the police are doing or
15 have to do, what they are trained to do.

16 And so that is why I think it is going to be
17 very helpful for you to permit those officers to come
18 forward.

19 Again, I thank you very much.

20 Archbishop, you have a question?

21 ARCHBISHOP PAUL: Commissioner, in your
22 opinion currently under the current executive order
23 and the civilian review board that the mayor has put in

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1 place, and with your history with the department, do
2 you feel that the responsibility of, the ultimate
3 responsibility of you as one person is something that
4 you believe is best for the City in its current plan,
5 or do you feel as though under the previous commission
6 that it worked well or either of those can work? I
7 mean you personally?

8 COMMISSIONER FITCHET: I can tell you that
9 the police commissions, the past police commissions,
10 were hard-working individuals and very respected
11 individuals in the City of Springfield.

12 Like every board with the Police Department
13 they were subject to criticism.

14 I found them to be very honorable people.
15 However, the trend in the United States of America is
16 to have a single head of a police agency responsible
17 for discipline, budgeting.

18 When they offered me the job, I blinked more
19 than once because I was replacing five individuals who

Hearing1
20 did discipline, hiring, firing, budget, promotions, all
21 those things.

22 But that is the trend in the United States.

23 If you look at the big cities, New York City,

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1 Chicago, that is the trend, to have a strong leader at
2 the top that is responsible, with a review board that
3 looks at primarily discipline.

4 I understand the need to also have that board
5 have some other positive authority.

6 I will tell you as far as recreating the
7 commission, I am against that, and I can remember when
8 the union stood up and was against what they considered
9 favoritism for promotions, assignments that that board
10 had and the union was against that.

11 And I respect President Gentile's right to
12 stand up here and offer his opinion. I respect him
13 greatly.

14 However, I want to advise the board that in
15 the Springfield Police Department the tail doesn't wag
16 the dog.

17 They are the union and they have a right to
18 come up and offer their opinion. But management is
19 what runs the Springfield Police Department and it is a
20 heavy job and I am in favor of a strong head of the
21 department.

22 One way or another, whatever this committee
23 decides, we are still going to have to have a strong

1 leader of the Springfield Police Department.

2 And I do agree with Officer Gentile when he
3 says it isn't always going to me. It is going to
4 somebody to follow me, but not having a strong head of
5 department who can really, you know, take the issues
6 and stand in front of people and take the heat, it
7 divests the power too much, and going back to that old
8 way, I personally think is the wrong thing to do.

9 And of course I have a personal interest in
10 it because I signed a contract in good faith with the
11 city.

12 But aside from that, you know, after I am
13 gone, that could probably be --

14 MR. TWIGGS: Whatever contract we get,
15 that will continue.

16 COMMISSIONER FITCHET: I am just saying
17 that is what most cities do, and you are certainly free
18 to research it and verify that and looking at other
19 options.

20 I know Terry Aberdale, who spoke at length, he
21 has done that, he has reviewed these, gone into it, so
22 you are all free to do that of course and come up with
23 whatever model you think best.

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Hearing1

1 I look at the committee, the oversight
2 committee as a very good insulation between the police
3 department and the public. So they know that there is
4 a cross section of the community that lives among them,
5 that reviews these cases.

6 And my opinion is to give them everything that
7 I have.

8 There is nothing held back from that review
9 committee. They get the entire IIU, and if it isn't
10 perfect, and sometimes they aren't, they get exactly
11 what I have to review and then they proceed under the
12 rule of law with a hearing.

13 And it is hard work. It is hard work.
14 And I agree with what Frank Ryan said, you know what
15 the problem is in Springfield? Lack of compliance,
16 lack of compliance.

17 The average police officer is met with, is
18 rebuffed so much, primarily -- not by older people who
19 have experience, but by younger people. From
20 eighteen to twenty-five is where we have most of our
21 problems.

22 And the lack of civility is incredible in the
23 City of Springfield.

□

1 And I was principal for a day up in one of
2 the high schools, and I can tell you the kids up
3 there impressed me, and I can see us moving forward
4 with that, and we are going to get to that point

Hearing1

5 where civility is not going ing to be an issue any
6 more.

7 But it is very important, there lies all
8 our problems. This lack of simply complying with a
9 lawful order.

10 It is like a lot of young people think they
11 don't have to comply with a lawful order and they do,
12 and that causes us a lot of problems.

13 MR. TWIGGS: Thank you so very much.

14 Any further questions for the chief?

15 (No response.)

16 Chief, I want to thank you for coming forward
17 and also speaking those kind words, speaking those
18 forceful words. It is something for us to look into.
19 Thank you again.

20 Is there anyone else who would like to speak
21 to this joint committee?

22 (No response)

23 I say is there anyone else who would like to

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1 speak to us?

2 (No response.)

3 well, I tell you that on December the first
4 this committee will meet again at the Chestnut
5 Accelerated Middle School at six p.m. in the school
6 auditorium, and that is at 355 Plainfield Street.

7 Again you are welcome on Thursday, December
8 9th, we will meet at Rebecca Johnson School and on

Hearing1

9 wednesday, December 15th we will meet at Kennedy
10 Middle School.

11 I ask do any of the council members have any
12 statements or anything they would like to say?

13 (No response)

14 Any of the commission members who would like
15 to say anything?

16 CITY COUNCILLOR ASHE: I want to thank,
17 Mr. Chair, the public for all coming out and offering
18 their thoughts and their input and their time. I know
19 it is valuable certainly to the police commissioner and
20 all the others who came in.

21 I appreciate your input. It is important for
22 the city and we will report back to what we find.

23 So thank you for coming up.

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1 (Applause)

2 MR. TWIGGS: Thank you very for coming.

3 This meeting is concluded.

4

5 * * * * *

6

7 (Note by stenographer: The following documents
8 were marked per instructions by Attorney Pikula.)

9

10 Exhibit No. 1 (meeting schedule)

11 Exhibit No. 2 (website instructions)

12 Exhibit No. 3 (Ferrera proposal)

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13 Exhibit No. 4 (Rooke proposal)
14 Exhibit No. 5 (Ashe/Allen/Twiggs
15 proposal)
16 Exhibit No. 6 (speaker list)
17
18 (Meeting concluded at 7:45 p.m.)
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2 Hampshire, ss.
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4
5 I, HELGA RAGLE, COURT STENOGRAPHER-NOTARY
6 PUBLIC, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE
7 AND ACCURATE TRANSCRIPTION OF MY STENOGRAPHIC NOTES
8 TO THE BEST OF MY KNOWLEDGE AND ABILITY.
9
10
11 November 24, 2010
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Hearing1

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